

The Regular Meeting of the City of Troy Building Board of Appeals was called to order by Chair Dziurman at 8:33 a.m. on September 7, 2011, in the Lower Conference Room of the Troy City Hall.

1. ROLL CALL

Present:

Ted Dziurman – Chair  
Teresa Brooks – Member  
Michael Carolan – Member  
John Szerlag – Member

Also Present:

Mitch Grusnick – City of Troy Building Official  
Steve Burns – SAFEbuilt Building Official  
Gerald Rice – Recording Secretary

2. APPROVAL OF MINUTES

Moved by: Carolan  
Seconded by: Brooks

**RESOLVED**, To approve the minutes of the August 3, 2011 Regular meeting as prepared.

Yeas: All

**MOTION CARRIED**

3. POSTPONED ITEMS

- a. **VARIANCE REQUEST, DOUG MERRITT FOR PROFESSIONAL PERMITS, 1414 E MAPLE**, for relief of Chapter 85 in order to allow a second wall sign measuring 46 square feet in area.

Mr. Grusnick explained the permit application indicates the installation of two signs, a 200 square foot main building wall sign and a second 46 square foot tenant wall sign. The Sign Code limits the size of the second wall sign to 20 square feet. The petitioner is requesting a variance to allow the second 46 square foot tenant wall sign.

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**SECTION: 85.02.05 (c)(3)**

This variance was requested to be tabled until the October meeting because there is a temporary sign they are contemplating leaving with the installation of these new signs.

4. HEARING OF CASES

1. **VARIANCE REQUEST, HAITHAM SITTO FOR SITTO INDUSTRIES/HARDY SIGNS, 85 E BIG BEAVER**, for relief of Chapter 85 in order to allow a second 150 square foot wall sign.

Mr. Grusnick explained the variance request is to allow a second wall sign, measuring 150 square feet in area, on the building that currently has a 109 square foot wall sign. The Sign Code limits the size of the second wall sign to 20 square feet.

**SECTION: 85.02.05 (c)(3)**

Haitham Sitto stated the initial design submitted to the City where they requested the main signage over the building to have illuminated letters to go over the glass panels underneath. The panels don't allow for second surface application. They made note that their intent was to put a second sign over the windows. There was a misunderstanding of the ordinance as they did not know that it was considered a second sign. When they received the approved permit based on their notations they also assumed that was part of the approved process. After they fabricated and installed they realized the ordinance stated something different.

Mr. Dziurman asked if the overage on the size of the sign is murals on the windows.

Mr. Sitto stated yes, it is for murals on the windows. The windows are set back 2 feet inside the exterior surface of the building. The glass is textured and opaque and does not allow adhesives and because the *emolliens* are unevenly divided it didn't look soft at all. The best solution was to use a nice stretched fabric. It's mounted on a frame that is attached to the window frame, but not the glass as the windows did not allow for that.

Mr. Szerlag asked if this were a window graphic would a variance be necessary.

Mr. Grusnick stated that if it were a window graphic applied to the glass a permit would not be required.

Mr. Szerlag asked if the fabric fades over time.

Mr. Sitto stated it will last longer than the normal sign. It's a UV protected material that will outlast the typical graphic material.

Mr. Grusnick stated there was one public response, but it appears the objection was for additional signage, not for the signs already installed.

Scott Marcus stated they fully support the changes. He is in the building just to the west. They've beautified the site and location.

Mr. Szerlag moved to approve.

Ms. Brooks seconded.

Mr. Carolan asked if there could be a conditional approval that the sign be replaced once it has faded.

Mr. Grusnick stated it would be difficult to enforce for fading.

Mr. Szerlag stated there could be a renewal in three years.

Ms. Brooks asked if they had any studies on fading.

Mr. Sitto stated it will last eight years.

Patricia (Building tenant) asked if this is a requirement of other building owners to come back and pay additional fees. She thought that was unfair.

Mr. Szerlag stated an inspection will be made every five years and if it is determined it is faded they will need to come back. If it has not faded they will not. He also stated this is the first fabric sign of this nature and the City will be consistent with future applicants using fabric for their signs.

Mr. Sitto asked if his customer could replace the sign on their own.

Mr. Grusnick stated Planning may want to issue a new sign permit to reface.

Mr. Szerlag made a motion that if the variance is approved and in five years there will be a report from the Building Department if the sign has integrity and good clarity, no fees and no re-up of application.

Mr. Carolan supported

MOTION CARRIES

Yeas: 4 – Dziurman, Brooks, Carolan, Szerlag

2. **VARIANCE REQUEST, ASAD MALIK FOR FAS HOTELS, LLC, 400 STEPHENSON, PROPOSED ADDRESS (EXISTING ADDRESS IS 466 STEPHENSON)**, for relief of Chapter 85 to install two wall signs each measuring 260 square feet in area and a 316 square foot, 49 foot tall ground sign.

Mr. Grusnick explained the permit application indicates the proposed signage for the new Holiday Inn Express planned to replace the existing building at 466 Stephenson. The petitioner is requesting variances for the installation of two wall signs each measuring 260 square feet in area and a 49 square foot high, 316 square foot ground sign. The Sign Code limits the size of the main building wall sign to 200 square feet and allows a second 20 square foot maximum wall sign. Ground signs are limited to 200 square feet in size and a maximum height of 25 feet.

**SECTION: 85.02.05 (c)(3) and TABLE 85.02.05**

The petitioner requested to withdraw the ground sign, proceeding only with the two wall signs.

Mr. Riddle stated at this location they would be the first hospitality establishment between Fourteen and Fifteen Mile. They want visibility from I-75 because they are a unique entity in this area. They are not in a typical hospitality area off the main exits.

Mr. Szerlag stated that this location has frontage along both Stephenson and I-75.

Mr. Riddle stated that was correct.

Ms. Brooks asked why the ground sign was withdrawn.

Mr. Riddle stated with the natural barrier along I-75 there is also a building to the north that would impede the view anyway so they really would not get the value of the ground sign. They would have no intent to come back later to ask for a ground sign.

Ms. Brooks asked if the 260 square foot sign they are proposing is the standard sign on most of their buildings.

Mr. Riddle stated it is and that the difficulty with all the Holiday Inn Express hotels across the country there are only seven left that have the old logos. They are waiting to either lose their licenses or update to the new brand. The signs are all prototypical and cookie-cutter type signs.

Mr. Grusnick stated the plans indicated a very large building façade. In other districts, 10 percent of the building face is allowed for signage. This request is so far from that it would be approved in those other districts.

Mr. Riddle stated this would be the largest Holiday Inn Express in the Metro area.

Mr. Szerlag asked what their target market is.

Mr. Riddle stated it is business clientele. Auto, 2<sup>nd</sup> tier and 1<sup>st</sup> tier.

Mr. Carolan made a motion to approve the request.

Mr. Szerlag supported  
MOTION CARRIES

Yeas: 4 – Dziurman, Brooks, Carolan, Szerlag

3. **VARIANCE REQUEST, ROBERT LAPONSA, 1290 CADMUS**, for relief of Chapter 83 to install a 42 inch white vinyl fence in front of the building setback line along Barabeau.

Grusnick explained this property is a double front corner lot. Front setbacks are required along both Cadmus and Barabeau. The permit application indicates the proposed 42 inch fence would be installed in the front yard along the property line adjacent to Barabeau. The Fence Ordinance requires fences located in front of the front building setback line be no greater than 30 inches in height.

**SECTION: 83.02. (A)**

Mr. LaPonsa stated they moved into the house and always intended to put in a fence. They were trying to determine what the back yard is. The 30" fence is not a barrier. They tried to find a fence that would work well in the neighborhood that was unobtrusive. If they did the 42" where the ordinance allows they would have to be up tight to the house and it looks like they are cutting the yard in half.

Ms. Brooks asked if they are listed as a renter.

Mr. LaPonsa stated that is correct and he has a letter from the owner. The idea is to eventually purchase the home.

Mr. Szerlag asked if this falls within the corner clearance.

Mr. Grusnick stated the corner clearance requirement is 25' from the right-of-way lines. This is well beyond that 25'.

Ms. Brooks stated she is under the impression the fence would set on the right-of-way line.

Mr. Grusnick stated that is correct. The original request came in showing 20' and stored plans showed 16', so the request was changed to comply.

There was no public comment.

Mr. Szerlag asked how the fence would be installed.

Mr. LaPonsa stated there are vinyl posts that are also hollow so he could put in a 4x4 post and slide the fence on top of it. They were trying to come up with something that would add to the look of the house.

Mr. Szerlag motioned to approve the variance request.

Mr. Carolan asked if this is setting the Board up so that people in the future will want to exceed the 30" height requirement.

Mr. Dziurman stated the only reason people come is because they are exceeding a requirement, so it is not an unusual request.

Mr. Grusnick stated approval of this request will not set precedence.

Mr. Szerlag stated it is hard to have a solid set of criteria for the 31,000 single family and condominiums in the City of Troy. That's why they allow for variances to be predicated on individual requests. All they can really address is a variance from a dimensional perspective.

Mr. Carolan asked if public notices were sent.

Mr. Grusnick stated notices were sent to property owners within 300 feet.

Mr. Dziurman asked if they plan on doing any landscaping along the fence.

Mr. LaPonsa stated they would probably do landscaping in the spring.

Mr. Carolan seconded the motion.

#### MOTION CARRIES

Yeas: 4 – Dziurman, Brooks, Carolan, Szerlag

5. COMMUNICATIONS
6. PUBLIC COMMENT
7. MISCELLANEOUS BUSINESS
8. ADJOURNMENT

The Regular Meeting of the Building Board of Appeals adjourned at 9:13 a.m.

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Ted Dziurman, Chair

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Gerald Rice, Recording Secretary